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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,404	11/20/2003	Takuma Mikawa	03560.003-404	5539
5514 7590 04/04/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
SHIBRU, HELEN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,404

Applicant(s)

MIKAWA, TAKUMA

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3) ☐ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/05/2008 has been entered.

Election/Restrictions

2. Newly submitted claims 18-21 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims, 1-17, do not require the features of the newly cited claims. For instance claims 1, 15 and 16 do not require the features of “ sorting a plurality of files comprising a media file and a playlist file storing a playlist indicating a playback procedure of the media file, wherein a date used for sorting the playlist file is a date of a media file on the playlist and not a generation date of the playlist” and “displaying a date of an image data file and date of a playlist file storing a playlist indicating a playback procedure of the image data file, the method comprising: displaying, as the date of the playlist file, the date of the image data file on the playlist instead of the date of generation of the playlist.” As recited in the new claims 18-21.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-21 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

3. The amendments, filed 02/13/2008, have been entered and made of record. Claims 1-17 are now pending.

Response to Arguments

4. Applicant's arguments filed 02/13/2008 have been fully considered but they are not persuasive. See below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US PG PUB 2004/0057700a A1) in view of Deguchi (US PG PUB 2006/0259375 A1).

Regarding claim 1, Okada discloses an apparatus for processing image data, the apparatus comprising:

specifying means for specifying a playback procedure of the image data (see paragraphs 0114-0117 and figs. 2-3, the PGC specifies playback order);

detecting means for detecting date information of the image data specified in the playback procedure specified by specifying means (see paragraphs 0238-0253, where it shows that a seek is carried out);

playlist processing means for generating playlist data indicating the playback procedure specified by specifying means, and for generating date information of the playlist data based on

the date information detected by said detecting means (see paragraphs 0249, 0219, 0271-0273, 0447-0450, PGC number corresponding to the playlist is recorded and the PGC number indicates the recording order of PGC information in UD_PGCI and playlist date and time information is recorded)

recording means for recording the playlist data and the date information of the playlist data in association with each other on a recording medium (see paragraphs 0273-0275).

Claim 1 differs from Okada in that the claim further requires generating date information of the playlist data based on the image data's date information, and the date information of the playlist data being recorded separately from the image data's date information.

In the same field of endeavor Deguchi discloses generating date information of the playlist data based on the image data's date information (see paragraphs 0011, 0014, 0048 and 0054), and the date information of the playlist data being recorded separately from the image data's date information (see paragraphs 0028, 0039 and 0049). Therefore in light of the teaching in Deguchi it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Okada by generating playlist date information based on image data's date information and storing the information separately in order for the user to access the data based on the time information.

Regarding claim 2, Okada discloses the recording means generates a playlist file including the playlist data and the date information of the playlist data, and records the playlist file on the recording medium (see paragraphs 0271-0275 and 0283).

Regarding claim 3, Deguchi discloses means for storing a generation date of the playlist data (see paragraphs 0028, 0039 and 0049).

Regarding claim 4, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data that is to be played back first among the image data specified in the playlist data (see fig. 9, paragraphs 0219, 0266, 0271, and 0283, user defined PGC).

Regarding claim 5, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data that is to be played back last among the image data specified in the playlist data (see fig. 9, paragraphs 0219, 0266, 0271, and 0283, the playlist is user defined PGC).

Regarding claim 6, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data having date information indicating an oldest date among the image data specified in the playlist data (see fig. 9, paragraphs 0219, 0266, 0271, and 0283).

Regarding claim 7, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data having date information indicating a latest date among the image data specified in the playlist data (see fig. 9, paragraphs 0219, 0266, 0271, and 0283).

Regarding claim 8, Okada discloses the playlist processing means further generates thumbnail image data of the playlist data based on the image data specified in the playlist data, and the recording means further records the thumbnail image data of the playlist data in association with the playlist data on the recording medium (see figs. 8, 10 and paragraphs 0279-0285).

Regarding claim 9, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data selected from the image data specified in the playlist data, and generates thumbnail image data of the playlist data based on the image data selected (see paragraphs 0283, 0285-0286).

Regarding claim 10, Okada discloses the playlist processing means further generates recording-position information of the playlist data based on position information indicating a recording position regarding the image data specified in the playlist data, and the recording means further records the recording-position information of the playlist data in association with the playlist data on the recording medium (see figs. 8-11, paragraphs 0281, 0709-0718).

Regarding claim 11, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data selected from the image data specified in the playlist data, and generates recording-position information of the playlist data based on position information of the image data selected (see figs. 11, 33 and paragraph 0714).

Regarding claim 12, Okada discloses the image data specified in the playlist data is recorded on the recording medium (see paragraphs 0271-0275).

Regarding claim 13, Okada discloses display control means for displaying information regarding the image data and information regarding the playlist data recorded on the recording medium, in an order based on the date information (see fig. 9, paragraphs 0285 and 0447).

Regarding claim 14, Okada discloses the recording medium is a recording medium that allows random access (see abstract and paragraph 0109).

Method claims 15 and 16 are rejected for the same reasons as discussed in claim 1 above.

Regarding claim 17, Okada discloses display control means for sorting the image data and the playlist data on the basis of the date information of the image data and the date information of the playlist data and for displaying information regarding the image data and the playlist in the sorted order (see paragraphs 0285 and 0447 and figs. 7, 9, 34 and 48 see also claim 1 rejection above).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosenberg et al. (US Pat. No. 7,325,043B1)

Holtz et al. (US PG PUB 2003/0001880 A1)

Likourezos (US PG PUB 2002/0098813 A1) disclose generating playlist based on date information of image data

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
March 28, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621